IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 18313 of 2005(E)

PETITIONER:

KUNJUVAREED C.D. S/O.DEVASSY,
CHATHELY HOUSE, KADUPPASSERY P.O.
KALLETTUMKARA, THRISSUR.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS:

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1. THE IRINJALAKUDA TOWN CO-OPERATIVE BANK LTD., P.B.NO.53, IRINJALAKUDA, THRISSUR, REPRESENTED BY ITS GENERAL MANAGER.

2. THE CHAIRMAN,
THE IRINJALAKUDA TOWN CO-OPERATIVE BANK LTD.,
P.B.NO.53, IRINJALAKUDA, THRISSUR.

3. THE ASSISTANT REGISTRAR (GENERAL)
CO-OPERATIVE SOCIETIES, MUKUNDAPURAM TALUK,
IRINJALAKUDA, THRISSUR.

4. ARBITRATOR-CUM-SALE OFFICER,
IRINJALAKUDA TOWN CO-OEPRATIVE BANK LTD.,
NO.55. P.B.NO.53, IRINJALAKUDA, THRISSUR.

BY ADV. SRI.N.P.SAMUEL FOR R1 AND R2
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 18313/2005

Dated this the 19th day of December, 2006

JUDGMENT

The writ petitioner prays that Ext.P5 order, transferring the property to the auction purchaser, be quashed. When the writ petition came up for admission, it was submitted that the writ petitioner was willing to wipe out the entire amount and all other incidentals that may be due to the bank, and the latter be persuaded to return the property to the petitioner. The service is complete.

2. I heard the arguments being advanced by the learned counsel for the respondents 1 and 2. It is submitted that no amount had so far been paid. Nor did he proceed against Ext.P5, as per the procedure. The remitting of the amount, within thirty days of the sale was not done. He did not approach the respondents 1 and 2, with the entire amount, as was submitted at the time of admission of this writ petition, the counsel submits.

3. When the writ petition came up on 5.12.2006, there was no representation. Therefore, the matter was

posted on 19.12.2006 for disposal.

4. When the matter is taken up today, there is no representation from the writ petitioner or his counsel. Hence, 2005 matter remains without any action and the interim direction non-complied with.

In the circumstances, this writ petition is dismissed for default.

J.M.JAMES
JUDGE

mrcs